



**CITY OF
TUCSON**

ZONING
EXAMINER'S
OFFICE

September 18, 2015

ZONING EXAMINER'S DECISION

**Special Exception Land Use Case:
SE-15-33 Bicycle B&B – Old Spanish Trail**

Applicant/Agent: Pat P. Lopez
Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, AZ 85718

Owner: Thomas Danielson
11051 East Old Spanish Trail
Tucson, AZ 85748

Special Exception Land Use Request

This is a request for approval of a Home Occupation, Travelers' Accommodation Lodging as a special exception in the SR zone. The special exception site is located on the northwest corner of Old Spanish Trail and Melpomene Way.

Public Hearing

On September 10, 2015 a public hearing was held on this special exception land use request in City Hall, 255 West Alameda, Tucson, Arizona, pursuant to Sections 3.4.3 of the *Unified Development Code*.

Appeal

The Zoning Examiner's decision may be appealed to Mayor and Council pursuant to 3.4.3.J of the *Unified Development Code*. An appeal of the Zoning Examiner's decision must be filed with the City Clerk, 255 West Alameda Tucson, Arizona, 85701 by a party of record within fourteen (14) days of the date of the Zoning Examiner's decision.

Findings of Fact

This is a request by Pat Lopez of Rusing, Lopez, & Lizardi on behalf of the owner, Thomas Danielson, for approval of a Home Occupation, Travelers' Accommodation Lodging as a special exception in the SR zone. The special exception site is located on the northwest corner of Old Spanish Trail and Melpomene Way. The preliminary development plan proposes a bicycle bed and breakfast with short and long-term bicycle parking and motor vehicle parking. The facility will be placed on a 3.38 acre site with an existing single-family residence.

The special exception site is currently developed with a single-family residence and is zoned SR Suburban Ranch, a rural residential zone. To the north is a single-family residence in the SR zone, to the east and south are single-family residences in the Pima County SR rural residential zone, to the west is a single-family residence and a cemetery use in the SR and SH rural residential zones.

Motor vehicle access to the site is through the driveways on Old Spanish Trail and Melpomene Way. Old Spanish Trail is designated as a scenic arterial street on the Major Streets and Routes Plan Map. The special exception site is adjacent to the Dan Yersavich Memorial Bikeway, which runs along Old Spanish Trail for approximately six miles from Broadway Boulevard to Freeman Road connecting the special exception site to several other facilities including The Loop, a major regional recreation amenity with shared use paths around Tucson, and the Cactus Forest Trailhead at Saguaro National Park. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate additional 23 vehicle trips per day.

Land use policy direction for this area is provided by *Plan Tucson* and the *Rincon / Southeast Subregional Plan (RSSP)*. The special exception site is located within an existing neighborhood, as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are characterized in *Plan Tucson* as largely built-out residential neighborhoods and commercial districts in which minimal new development or redevelopment is expected in the next few decades. The goal is to maintain the character of these neighborhoods while accommodating some new development and encouraging reinvestment, services, and amenities that contribute to further neighborhood stability. *Plan Tucson* policy directs that the application of the Pima County Conservation Land System designation and requirements be considered in rezoning reviews. *Plan Tucson* supports the utilization of solutions and strategies outlined in the Design Guidelines Manual to provide an improved level of community design such as methods to conserve and enhance habitat when development occurs and accessibility to open space that connects with surrounding public natural areas. *Plan Tucson* supports an interconnected urban trail system throughout the city to meet the recreational needs of pedestrian, bicyclist, and equestrians.

The *RSSP* Map Detail #14, 29th Street / Los Reales provides land use policy direction for this area and identifies the special exception site as Low Intensity Urban with a density cap of 0.3 RAC. The plan states development in this area should remain of this intensity due to its environmental sensitivity and its proximity to Saguaro National Park.

The special exception proposes to use the existing single-family home at the northwest corner of Old Spanish Trail and Melpomene Way as a bed-and-breakfast with bicycle fitness and training camp. Following use standards as enumerated in the Unified Development Code, the proposal is for four sleeping rooms with up to eight guests at a time. The UDC requires five (5) motor vehicle parking spaces and two (2) short and long term bicycle parking spaces. The PDP indicates nine (9) motor vehicle parking spaces and at least two (2) spaces for short and long term bicycle parking located on the north side of the house. Additional uses, such as a commercial bicycle repair shop or outdoor camping, are not allowed by this special exception.

The applicant's proposal requires approval as a Zoning Examiner Special Exception Procedure and must meet the Use-Specific Standards of UDC Sections 4.9.7.E.10, .11, and .13 and 4.9.7.H.2, and .5-.10. The Zoning Examiner may forward the request to the Design Review Board for design review and recommendation. Use Specific Standards specified in the Unified Development Code Section 4.9.7.H.2 and .5-.10 include the following items:

- Accommodations are permitted for up to eight guests for a maximum of 14 days. No more than four sleeping rooms can be used to accommodate guests.
- Meals can be served only to guests staying in the facility. Separate cooking facilities in guest rooms are prohibited.
- No more than one full-time equivalent person not residing on the premises may be employed in the home occupation use.
- Motor vehicle and bicycle parking shall be provided in accordance with Section 7.4.4 and 7.4.8 for the Travelers' Accommodation, Lodging use and shall be in addition to that required for the residential use.

Conclusion

Given the compliance of the proposed project with the *Rincon Southeast / Subregional Plan* and *Plan Tucson* and the applicable provisions of the *Unified Development Code*, this request is appropriate.

Decision

This special exception land use request for an existing single- family residence to be used as a home occupation, travelers' accommodation lodging is hereby approved, subject to the following conditions:

1. A development package/site plan in substantial compliance with the preliminary development plan dated July 29, 2015, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use."

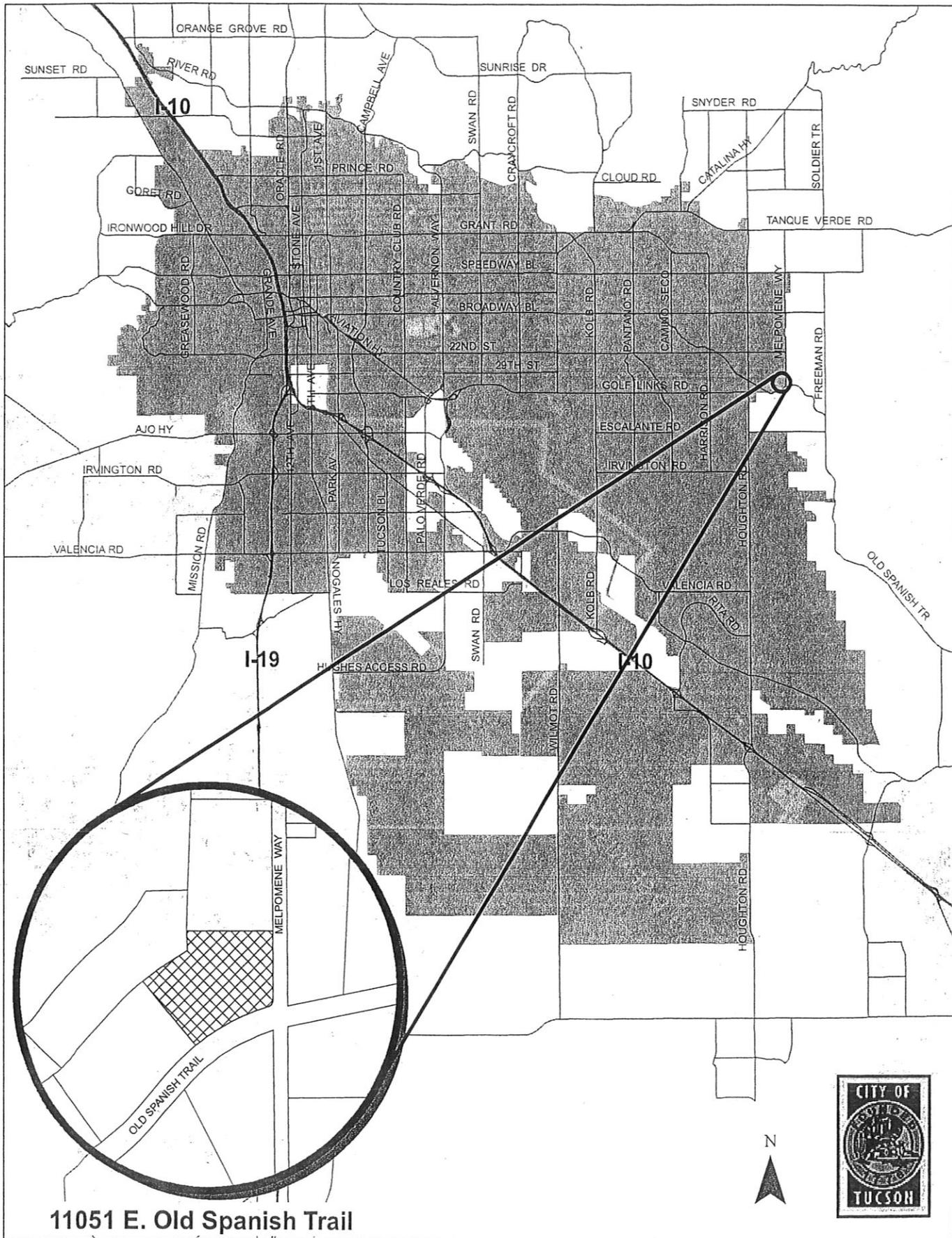
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.
7. Accommodations are permitted for up to eight guests for a maximum of 14 days. No more than four sleeping rooms can be used to accommodate guests.
8. Meals can be served only to guests staying in the facility. Separate cooking facilities in guest rooms are prohibited.
9. No more than one full-time equivalent person not residing on the premises may be employed in the home occupation use.
10. Bicycle parking spaces shall be located at least 100 feet from Old Spanish Trail and Melpomene Way.
11. Outdoor camping shall not be allowed on the premises.

Linus Kafka

Zoning Examiner

CC: Glenn Moyer, PDS
John Beall, PDS
Daniel Bursuck, PDS
City of Tucson Mayor and Council

SE-15-33 Bicycle B&B - Old Spanish Trail





OLD SPANISH TRAIL

MELPOMENE WAY

SE-15-33 Bicycle B&B - Old Spanish Trail
2014 Aerial

0 50 100 200 Feet
1 inch = 200 feet

